

CITY OF ALBUQUERQUE



PLANNING DEPARTMENT
URBAN DESIGN & DEVELOPMENT DIVISION
600 2nd Street NW, 3rd Floor, 87102
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OFFICIAL NOTIFICATION OF DECISION

March 8, 2018

Keeran 1, LLC.
8830 Keeran Lane NE
Albuquerque, NM 87122

Project# 1011454
17EPC-40068 APPEAL of a Determination by the Impact Fee
Administrator

LEGAL DESCRIPTION:

The above action for an Appeal of Impact Fees.
Staff: Tony Loyd

On March 8, 2018 the Environmental Planning Commission (EPC) voted to GRANT the appellant's appeal on Project 1011454/17EPC-40068, which was the Determination by the Impact Fee Administrator that denied the appellant's request for reimbursement of excess drainage and road impact fee credits. The decision was based on the following Findings:

FINDINGS:

Albuquerque

NM 87103

www.cabq.gov

1. The case is an appeal of a denial, by the Impact Fee Administrator, of the appellant's request for reimbursement from the City in the amount of \$399,973.00 for excess drainage impact fee credits in the Northwest Service Area and \$100,367.00 for excess road impact fee credits in the Citywide Service Area.
2. Section 14-19-20 ADMINISTRATIVE APPEALS of the Impact Fee Ordinance, authorizes the Environmental Planning Commission (EPC) to hear appeals of any determinations regarding impact fees. This case is such an appeal and has been duly filed in accordance with the referenced Ordinance.
3. The Impact Fee Ordinance Section 14-19-19 CREDITS, allow for the granting of impact fee credits for system improvements, provided a project is listed on the Component Capital Improvements Plan (CCIP) as listed in the Ordinance. Additionally, should credit be granted for system improvements which exceed the value of the impact fees otherwise due from development, then that portion may become excess credits as issued by the Impact Fees Administrator.
4. The holder of excess impact fee credits can request reimbursement from the City for all or part of the amount of excess impact fee credits from revenue generated by impact fees paid by new development for system improvements.

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5. Based on Section 14-19-3 DEFINITIONS – “ENCUMBERED” with additional language in Section 14-19-19(J)(7)(c) of the Impact Fee Ordinance, funds were available for reimbursement of the excess impact fee credits held by the applicant.

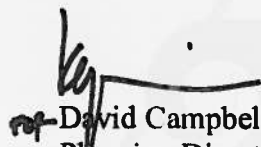
6. The EPC delegates to the City of Albuquerque to determine within 30 days of this decision, the amount of Impact Fee dollars that were not under contract on July 12, 2017.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the EPC’s decision or by **MARCH 23, 2018**. The date of the EPC’s decision is not included in the 15-day period for filing an appeal, and if the 15th day falls on a Saturday, Sunday or Holiday, the next working day is considered as the deadline for filing the appeal.

For more information regarding the appeal process, please refer to Section 14-16-4-4 of the Zoning Code. A Non-Refundable filing fee will be calculated at the Land Development Coordination Counter and is required at the time the appeal is filed. It is not possible to appeal EPC Recommendations to City Council; rather, a formal protest of the EPC’s Recommendation can be filed within the 15 day period following the EPC’s recommendation.

You will receive notification if any person files an appeal. If there is no appeal, you can receive Building Permits at any time after the appeal deadline quoted above, provided all conditions imposed at the time of approval have been met. Successful applicants are reminded that other regulations of the City Zoning Code must be complied with, even after approval of the referenced application(s).

Sincerely,


David Campbell
Planning Director

DC/TL

cc: Keeran 1, LLC, 8830 Keeran Ln NE, ABQ, NM 87122